



Ohio Administrative Code

Rule 1501:13-5-03 Revocation of exemption for coal extraction incidental to the extraction of other minerals.

Effective: January 1, 1993

(A) The chief shall conduct an annual review of compliance with each exemption for coal extraction incidental to the extraction of other minerals approved under rule 1501:13-4-16 of the Administrative Code. The chief shall utilize the annual report submitted in accordance with paragraph (K) of rule 1501:13-4-16 of the Administrative Code, information obtained during an on-site inspection, and any other information available to the chief.

(B) If the chief has reason to believe that a specific mining area was not exempt from the requirements of Chapter 1513. of the Revised Code under the provisions of rule 1501:13-4-16 of the Administrative Code at the end of the previous reporting period, is not exempt, or will be unable to satisfy the exemption criteria at the end of the current reporting period, the chief shall notify the operator that the exemption may be revoked and the reason(s) therefore. The exemption shall be revoked unless the operator demonstrates to the chief within thirty days that the mining area in question should continue to be exempt.

(1) If the chief finds that an operator has not demonstrated that activities conducted in the mining area qualify for the exemption from the requirements of Chapter 1513. of the Revised Code for incidental coal extraction under rule 1501:13-4-16 of the Administrative Code, the chief shall revoke the exemption and immediately notify the operator by order of the chief. If a decision is made not to revoke an exemption, the chief shall immediately notify the operator. The chief shall also immediately notify any person who submitted written comments in accordance with paragraph (C)(3) of rule 1501:13-4-16 of the Administrative Code, regarding the request for exemption, of the decision to revoke or not to revoke the exemption.

(2) Any adversely affected person may request administrative review of a decision whether to revoke an exemption within thirty days of the notification of such decision in accordance with section 1513.13 of the Revised Code.

(3) A notice of appeal filed under section 1513.13 of the Revised Code shall not suspend the effect of



a decision whether to revoke an exemption.

(D) Direct enforcement.

(1) Protection from enforcement of coal mining and reclamation standards for operators mining in accordance with an approved exemption.

An operator mining in accordance with the terms of an approved exemption from the requirements of Chapter 1513. of the Revised Code for incidental coal extraction under rule 1501:13-4-16 of the Administrative Code shall not be cited for violations of Chapter 1513. of the Revised Code or these rules which occurred prior to the revocation of the exemption.

(2) Enforcement against operators in violation of an approved exemption.

An operator who does not conduct activities in accordance with the terms of an approved exemption and knows or should know such activities are not in accordance with the approved exemption shall be subject to direct enforcement action for violations of Chapter 1513. of the Revised Code which occur during the period of such activities.

(3) Operator responsibilities upon revocation of an exemption or denial of an exemption.

Upon revocation of an exemption or denial of an exemption application, an operator shall stop conducting surface coal mining operations until a permit to conduct coal mining operations is obtained and shall comply with the reclamation standards of Chapter 1513. of the Revised Code and these rules with regard to conditions, areas and activities existing at the time of revocation or denial.